Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

Message Text

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TO AMEMBASSY AMMAN PRIORITY
AMEMBASSY TEL AVIV PRIORITY
INFO AMEMBASSY DAMASCUS

S E C R E T STATE 309283

EXDIS, FROM ATHERTON AND NOOTER

E.O. 11652: GDS

TAGS: PFOR, EAID, JO, US, IS

SUBJECT: MAQARIN DAM/YARMOUK RIVER PROJECT - NEXT STEPS

REFS: (A) AMMAN 7183; (B) STATE 290161; (C) AMMAN 7123;
(D) TEL AVIV 7991; (E) STATE 286713; (F) STATE 296543
(G) TEL AVIV 8170 (H) TEL AVIV 8213; (I) AMMAN 7292

1. WE AGREE EVENTS HAVE REACHED POINT WHERE WE NEED TO MOVE TO POLITICAL LEVEL AND BEGIN CONSIDERATION OF NEGOTIATING PROCESS. OUR GOOD OFFICES ARE CLEARLY NEEDED BETWEEN JORDAN AND ISRAEL TO MOVE MATTERS FORWARD, AND IN
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FACT AS PRACTICAL MATTER THAT PROCESS HAS ALREADY BEGUN. WE BELIEVE WE CAN DO WHAT IS NECESSARY AT THIS STAGE, HOWEVER, WITHOUT OFFERING TO TAKE ON FORMAL INTERMEDIARY ROLE AND WOULD LIKE TO DEFER THAT DECISION UNTIL WE HAVE CLEARER PICTURE OF WHAT WE WOULD BE GETTING INTO DOWN THE ROAD AND CAN PRESENT ISSUE IN ALL ITS RAMIFICATIONS FOR HIGHER LEVEL

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POLICY DECISION HERE. WE SEE FOLLOWING PROBLEM, HOWEVER, WHICH COULD AFFECT TIMING OF OUR CARRYING INFORMAL GOOD OFFICES ROLE ANY FURTHER AT PRESENT.

A. WE CONVINCED THAT GOI WILL BE UNWILLING TO PROVIDE FULL COOPERATION WITHOUT ITS REVIEW HARZA'S INTERIM REPORT AS

MENTIONED REF D. THIS ATTITUDE SEEMS TO BE CONFIRMED IN DISCUSSIONS WITH GOI EMBASSY OFFICIALS HERE. WITHOUT HARZA REPORT, WE SEE GOI ATTITUDE AS UNEASY AND SUSPICIOUS AS CONFIRMED PARA 3 REF G, WITH A RELUCTANCE TO BE FORTHCOMING, SUCH AS ALREADY EXPERIENCED IN UNWILLINGNESS TO MEET WITH BAXTER ON QUESTIONS RELATING TO LEGAL STUDY. NOR DO WE SEE GOI INTEREST AT THIS TIME IN AGREEING TO MEET WITH BAXTER IN ABSENCE INFORMATION REQUESTED. IT IS CLEAR FROM VARIOUS COMMUNICATIONS THAT GOI FIRST AND FOREMOST IS INTERESTED IN A THOROUGH DESCRIPTION OF MAQARIN DAM PROJECT, INCLUDING TECHNICAL DETAILS, SO AS TO PERMIT UNDERSTANDING OF IMPLI-CATIONS OF THIS PROJECT FOR ISRAEL. SUCH DATA ARE CON-TAINED IN HARZA'S INTERIM REPORT.

WE HAVE REVIEWED HARZA INTERIM REPORT AND DO NOT SEE THAT DATA CONTAINED THEREIN, IF MADE AVAILABLE TO GOI, WOULD IN ANY WAY COMPROMISE GOJ NEGOTIATING POSITION. IN FACT, NOW THAT JVC HAS AGREED TO DROP WADI RAQQAD DIVERSION FROM FEASIBILITY SCOPE OF WORK AND HAS AGREED TO TWO WATER CON-VEYANCE OPTIONS TO BE STUDIED, I.E., NATURAL CHANNEL ALONG YARMOUK RIVER AND TUNNEL INTO WADI ARAB ALTERNATIVES, THESE OPTIONS CAN BE LOOKED AT STRICTLY AS ECONOMIC AND TECH-NICAL OPTIONS. THIS LEAVES THE 17 MCM FIGURE ATTRIBUTED TO
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THE YARMOUK TRIANGLE IN THE HARZA INTERIM REPORT. THIS FIGURE COMPARES TO THE 25 MCM ALLOCATED TO THE YARMOUK TRIANGLE IN THE JOHNSTON REPORT. SINCE THE 17 MCM IS AT THE LOW END, REVEALING THIS FIGURE TO ISRAEL IN THE HARZA REPORT WOULD NOT, IN OUR VIEW, COMPROMISE JORDAN'S NEGO-TIATING POSITION.

2. IN ORDER TO DEAL WITH PROBLEM POSED PARA 1.A ABOVE, PROPOSE THAT AMBASSADOR PICKERING SUGGEST TO HUSSEIN AND GOJ THAT WE ARE PREPARED TO USE OUR INFORMAL GOOD OFFICES TO HELP MOVE MAQARIN DAM/YARMOUK RIVER PROJECT ALONG BY DISCUSSING IT WITH ISRAELIS. TO DO SO, HOWEVER, BELIEVE IT IMPERATIVE THAT GOJ ALLOW THE U.S. TO MAKE HARZA INTERIM REPORT AVAILABLE TO GOI SINCE THIS IS CRITICAL TO ESTAB-LISHING MUTUAL TRUST AND, IN OUR OPINION, DOES NOT ADVERSELY AFFECT GOJ NEGOTIATION POSITION. FURTHERMORE, THERE ARE SOME REAL ADVANTAGES TO GOJ IN OBTAINING EARLY GOI REACTION TO TECHNICAL ASPECTS MAQARIN DAM, SO THAT IF

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ANY RELEVANT DATA ARE MADE AVAILABLE BY GOI OR SPECIFIC

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AND VALID CONCERNS EXPRESSED BY GOI, THEY COULD BE CONSIDERED BY HARZA FOR INCLUSION IN ON-GOING FEASIBILITY STUDY AT EARLIEST POSSIBLE TIME AND BEFORE FINAL DRAFT FEASIBILITY STUDY IS COMPLETED. YOU COULD POINT OUT TO GOJ THAT IN MAKING REPORT AVAILABLE, WE WOULD EXPLAIN TO GOI THOSE CHANGES IN SCOPE OF FEASIBILITY STUDY MADE AS A RESULT OF MEETING IN WASHINGTON ON NOVEMBER 29 AND 30. THIS SHOULD ALLAY ANY GOJ CONCERN THAT INTERIM REPORT IS INCOMPLATE AND CONTAINS INACCURACIES AND THUS SHOULD NOT BE MADE AVAILABLE.

3. IF GOJ CONTINUES TO BE RELUCTANT TO MAKE HARZA INTERIM REPORT AVAILABLE AT THIS TIME, BELIEVE WE HAVE NO CHOICE BUT TO DELAY ANY FURTHER APPROACH TO GOI UNTIL A VERSION OF THE REPORT IS AVAILABLE THAT GOJ WILLING FOR GOI TO

SEE. THIS NO DOUBT WILL RESULT IN PROJECT DELAY, AND MAY AROUSE ISRAELI SUSPICIONS IN A WAY THAT WILL MAKE LATER APPROACH MORE DIFFICULT.

4. WE HAVE GIVEN FURTHER CONSIDERATION TO BAXTER ROLE IN NEXT STEPS, AND HAVE SOME RESERVATIONS ABOUT EXTENDING HIS ROLE AS SUGGESTED PARA 7 REF A. BASED ON BRIEFINGS HERE, BAXTER SEEMS TO HAVE PLUMBED LEGAL ISSUES, AND FURTHER DISCUSSIONS WITH ISRAELIS WOULD SERVE MORE TO CLARIFY ISRAEL NEGOTIATING POSITION THAN TO DEFINE LEGAL PARAMETERS AT SAME TIME, WE FOUND BAXTER KNOWLEDGE OF TECHNICAL DATA SO LIMITED AS TO REDUCE HIS USEFULNESS IN ANY EARLY DISCUSSIONS WITH GOI. THEREFORE, OUR INCLINATION IS TO HAVE HIM HOLD BRIEF MEETING WITH GOI, ACCOMPANIED BY U.S. TECHNICAL EXPERTS, TO WRAP UP LEGAL ISSUES.

5. THEREFORE, IF GOJ AGREES FOR US TO PROCEED TO USE OUR GOOD OFFICES WITH AUTHORIZATION TO GIVE GOI HARZA INTERIM REPORT ON CONFIDENTIAL BASIS, WE PROPOSE TO OFFER GOI THAT SY TAUBENBLATT, NE/CD, WITH WILLIAM ROMIG, A.I.D. WATER RESOURCE ENGINEERING CONSULTANT ON PROJECT, COULD PROCEED TO ISRAEL IN EARLY JANUARY TO DISCUSS WITH GOI HARZA REPORT AND CHANGES IN FEASIBILITY SCOPE OF WORK RESULTING FROM NOVEMBER 29 AND 30 MEETING REPORTED REF F. TAUBENBLATT COULD DISCUSS REPORT AND LATER DEVELOPMENTS AND THEN RETURN A FEW DAYS LATER, AFTER GOI HAS REVIEWED THE REPORT. IN PROCESS, TAUBENBLATT WOULD REQUEST ANY WATER FLOW OR PRECIPITATION DATA THAT THE GOI MIGHT HAVE WHICH WOULD BE OF ASSISTANCE TO HARZA ENGINEERS IN COMPLETION OF FEASIBILITY STUDY AND WOULD ATTEMPT TO

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ASCERTAIN GOI REACTION TO HARZA REPORT, SO WE CAN BETTER UNDERSTAND THE GOI NEGOTIATING POSTURE. AT SAME TIME, BAXTER WOULD SEEK OBTAIN LEGAL DATA TO HELP HIM COMPLETE LEGAL REPORT.

6. WE HAVE NOTED TEL AVIV'S 8213, WHICH DESCRIBES MAARIV
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REPORT THAT GOI IS IN ADVANCED STAGE FOR TRANSFERRING YARMOUK RIVER WATER FROM NAHARYIM RESERVOIR INTO SEA OF GALILEE AND AMMAN 7292 COMMENTS THERETO. IN CONTEXT ABOVE, THIS IS FURTHER REASON WHY EARLIEST DISCUSSION WITH GOI AND ITS REACTION TO HARZA REPORT ON MAQARIN DAM PROJECT ESSENTIAL.

7. FOR AMMAN: IN VIEW ABOVE, REQUEST THAT AMBASSADOR AGAIN RAISE WITH KING HUSSEIN AND FOLLOW UP WITH APPROPRIAT GOJ AUTHORITIES (WITH KING'S ASSENT) THE DESIRABILITY OF MAKING HARZA'S INTERIM REPORT AVAILABLE TO GOI. FOLLOWING ARE PRINCIPAL POINTS TO BE MADE:

A. IN ORDER TO FACILITATE GOJ'S PROCEEDING WITH MAQARIN DAM PROJECT ON TIMELY BASIS, THE U.S. IS PREPARED TO BE HELPFUL AND USE ITS INFORMAL GOOD OFFICES AT THIS STAGE SO THAT ANY POTENTIAL PROBLEMS AND ISSUES BETWEEN ISRAEL AND JORDAN CAN BE ADDRESSED AS EARLY AS POSSIBLE.

B. THE U.S. IS PREPARED TO DISCUSS WITH BOTH PARTIES ANY ISSUES RELATING TO MAQARIN DAM IN EFFORT TO ASSIST THEIR RESOLUTION.

C. WE HAVE REVIEWED INTERIM REPORT THOROUGHLY AND, IN OUR OPINION, DISCLOSURE TO THE ISRAELIS WILL NOT AFFECT GOJ NEGOTIATING POSITION.

D. IF GOJ AGREEABLE TO MAKING THE HARZA REPORT AVAILABLE TO GOI, WE WOULD ALSO EXPLAIN TO GOI ANY CHANGES IN SCOPE OF STUDY MADE AS A RESULT NOVEMBER 29 AND 30 MEETING.

E. THE U.S. WOULD ASK GOI TO TREAT HARZA REPORT AND ITS BEING MADE AVAILABLE THROUGH U.S. GOOD OFFICES ON A CONFIDENTIAL BASIS.

F. WE SEE ADVANTAGE TO GOJ IN OBTAINING EARLY GOI RE-
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ACTION TO TECHNICAL ASPECTS MAQARIN DAM PROJECT, SO THAT IF ANY RELEVANT DATA ARE MADE AVAILABLE BY GOI OR SPECIFIC AND VALID CONCERNS EXPRESSED BY GOI, THEY COULD BE CONSIDERED IN FEASIBILITY STUDY AT EARLIEST POSSIBLE TIME AND BEFORE HARZA COMPLETES FEASIBILITY STUDY.

G. IF GOJ RELUCTANT TO MAKE HARZA REPORT AVAILABLE TO GOI, THEN U.S. WOULD HAVE TO DELAY ANY FURTHER APPROACH TO GOI UNTIL FINAL FEASIBILITY STUDY, OR OTHER VERSION OF REPORT, IS AVAILABLE FROM GOJ FOR GOI TO REVIEW. THIS, OF COURSE, WOULD DELAY MAQARIN DAM PROJECT TIMETABLE CONSIDERABLY.

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REQUEST ADVISE OUTCOME YOUR DISCUSSIONS WITH GOJ. WOULD ALSO WELCOME FURTHER COMMENTS ABOVE.

AT THIS TIME, SUGGEST EMBASSY/TEL AVIV AWAIT OUTCOME EMBASSY/AMMAN DISCUSSION WITH GOJ BEFORE FURTHER DISCUSSIONS WITH GOI. WOULD ALSO WELCOME EMBASSY/TEL AVIV COMMENTS ON ABOVE.
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